IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 29262 of 1998

Between:

1 Teja Industrial Corporation Rep. by Its Proprietor S. Sridhar,
23-21-8, Mudigondavari Street, Satyanarayanapuram,
Vijayawada.
2 Sri Phanindra Industries Rep. by Its Partner S. Sridhar,
23-21-8, Mudigondavari Street, Satyanarayanapuram,
Vijayawada.

..... PETITIONERS

AND

1 The A.P.S.S.I.D.C. Rep. by Its Managing Director
Basheerbagh, Hyderabad.
2 State of A.P. Rep. by Its Principal Secretary to the Govt.,
Industries & Commerce Dept., Secretariat,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, especially one in the nature of Writ of Mandamus declaring the action of the respondents in with-holding the moneys due to the petitioners collected from the Municipal Corporations of Kakinada, Rajahmundry and Vijayawada towards the cost of supply of R.C.C. dust bins and using the same for purposes of settling the claims of its employees opting for voluntary retirement scheme as being opposed to public policy, arbitrary, illegal, null and void and consequently direct the respondents to release the amounts due to the petitioners as per the statement annexured with interests at commercial rates for belated payments.

Counsel for the Petitioner:MR.Y.VENKAT SASTRY

Counsel for the Respondents: MR.M.L.PREM RAO

The Court made the following :

ORDER:

Challenging the action of the respondents in withholding the amounts due to the petitioners collected from the Municipal Corporations of Kakinada, Rajahmundry and Vijayawada towards the cost of supply of R.C.C. dust bins and using the same for the purpose of settling the claims of its employees who have opted for voluntary retirement from service as arbitrary and illegal, the present writ petition is filed.

The grievance of the petitioners is that they have supplied certain goods to the Municipal Corporations of Rajahmundry, Kakinada and Vijayawada and the first respondent collected the amounts from the Municipal Corporations and that the same have to be paid by the first respondent to the petitioners. But the first respondent failed to pay the amounts due to the petitioners. Hence this writ petition.

The respondents did not file any counters.

The learned counsel appearing for the petitioners contended that the first respondent being an instrumentality of the State is bound to transmit the amounts received from the Municipal Corporations to the petitioners for the goods supplied by them to the Corporations. Hence he prays to give a direction to the respondents to pay the amounts due to the petitioners.

The contract said to have been entered into by the petitioners with the first respondent is not filed into the Court and therefore, this Court is not in a position to know the terms and conditions of the said contract. Apart from that, the particulars as to the nature of the goods supplied, its value and the date of supply, have also not been specifically stated in the affidavit.

It is further contended that the first respondent misappropriated and misutilised the funds received from the Corporations. If that being the case, the remedy that is available to the petitioners is elsewhere, but not before this Court. The transaction in question is purely contractual in nature and no material is shown

that there is violation of any right of the petitioners. Hence, the writ petition is devoid of merits and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

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09.06.2005

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To

1 The Managing Director, A.P.S.S.I.D.C.
Basheerbagh, Hyderabad.
2 The Principal Secretary to Government, State of A.P.
Industries & Commerce Dept., Secretariat,
Hyderabad.

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